

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 485

Introduced by Assembly Member Solorio

February 20, 2007

An act to amend Section 56366.4 of the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

AB 485, as amended, Solorio. Special education: nonpublic, nonsectarian schools and agencies: certification revocation.

Existing law sets forth a method for providing special education and related services to pupils with exceptional needs. Existing law also permits, under certain circumstances, contracts to be entered for the provision of those services by nonpublic, nonsectarian schools or agencies, as defined. Existing law authorizes a master contract for special education and related services provided by a nonpublic, nonsectarian school or agency only if the school or agency has been certified by the Superintendent of Public Instruction as meeting specified standards. Existing law authorizes the Superintendent to revoke or suspend the certification of a nonpublic, nonsectarian school or agency for any of specified reasons.

This bill would prohibit a nonpublic, nonsectarian school or agency whose certification has been revoked, and certain other ~~persons~~ *administrators and entities* involved with the school or agency, from being eligible to apply for recertification for 2 years from the revocation date. ~~The bill would require a local educational agency that is aware that a nonpublic, nonsectarian school or agency has violated the certification requirements immediately to contact the State Department~~

of Education and report this information. To the extent this bill would impose additional duties on local educational agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~ no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 56366.4 of the Education Code is
- 2 amended to read:
- 3 56366.4. (a) The Superintendent may revoke or suspend the
- 4 certification of a nonpublic, nonsectarian school or agency for any
- 5 of the following reasons:
- 6 (1) Violation of an applicable state or federal rule or regulation,
- 7 or aiding, abetting, or permitting the violation of an applicable
- 8 state or federal rule or regulation.
- 9 (2) Falsification or intentional misrepresentation of an element
- 10 of the application, pupil records, or program presented for
- 11 certification purposes.
- 12 (3) Conduct in the operation or maintenance of the nonpublic,
- 13 nonsectarian school or agency that is harmful to the health, welfare,
- 14 or safety of an individual with exceptional needs.
- 15 (4) Failure to comply with a provision in the contract with the
- 16 local educational entity.
- 17 (5) Failure to notify the department in writing of any of the
- 18 following within 45 days of the occurrence:
- 19 (A) Changes in credentialed, licensed, or registered staff who
- 20 render special education and related services, ownership,
- 21 management, or control of the nonpublic, nonsectarian school or
- 22 agency.
- 23 (B) Major modification or relocation of facilities.
- 24 (C) Significant modification of the nonpublic, nonsectarian
- 25 school or agency program.

1 (6) Failure to implement recommendations and compliance
2 requirements following an onsite review of the school or agency.

3 (7) Failure to provide appropriate services, supplies, equipment,
4 or facilities for a pupil as required in his or her individualized
5 education program.

6 (8) Failure to notify the Superintendent in writing within 10
7 days of the revocation or suspension of a license or permit
8 including, but not limited to, a residential care license, business
9 license, or other required license or permit.

10 (9) Failure to implement a pupil's individualized education
11 program.

12 (10) Failure to notify the Superintendent in writing within 10
13 days of the death of a pupil or any other individual of unnatural
14 causes within the school or agency, including the circumstances
15 surrounding the death and appropriate preventative measures being
16 taken or recommended.

17 (b) The Superintendent shall notify contracting local educational
18 agencies and the special education local plan area in which the
19 nonpublic, nonsectarian school or agency is located of the
20 determination to suspend or revoke state certification.

21 (c) If the Superintendent determines that a nonpublic,
22 nonsectarian school or agency has violated the certification
23 requirements pursuant to this section and revokes the certification,
24 the nonpublic, nonsectarian school or ~~agency and its~~
25 ~~representatives; a person~~ *agency; the site administrator*, business,
26 organization, or entity involved in the administration of the
27 nonpublic nonsectarian school or agency whose certification was
28 revoked; and ~~a person~~ *the site administrator*, business,
29 organization, or entity whose nonpublic, nonsectarian school or
30 agency certification was revoked at any time previously, shall not
31 be eligible to apply for recertification of the school or agency for
32 two full years from the date of revocation. A revoked certification
33 of a nonpublic, nonsectarian school or agency shall not be waived
34 pursuant to Section 56101.

35 ~~(d) If a local educational agency, which is responsible for the~~
36 ~~monitoring and implementation of the individualized education~~
37 ~~program of an individual with exceptional needs, is aware that a~~
38 ~~nonpublic, nonsectarian school or agency, which is under contract~~
39 ~~or service agreement with the local educational agency, has violated~~
40 ~~the certification requirements of this part, or of Article 6~~

1 ~~(commencing with Section 3060) of Subchapter 1 of Chapter 3 of~~
2 ~~Division 1 of Title 5 of the California Code of Regulations, the~~
3 ~~local educational agency immediately shall contact the department~~
4 ~~and report this information.~~

5 ~~SEC. 2. If the Commission on State Mandates determines that~~
6 ~~this act contains costs mandated by the state, reimbursement to~~
7 ~~local agencies and school districts for those costs shall be made~~
8 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
9 ~~4 of Title 2 of the Government Code.~~